

Court of Appeals, State of Michigan

ORDER

People of MI v Daniel David Goodwine

Docket No. 307469

LC No. 11-235953-FH

E. Thomas Fitzgerald
Presiding Judge

Deborah A. Servitto

Elizabeth L. Gleicher
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders the matter REMANDED to the Oakland Circuit Court to correct the Judgment of Sentence to reflect only two convictions for possession of a firearm during the commission of a felony. The transcript of the July 25, 2011 plea hearing shows that defendant did not plead no contest to a third count of felony-firearm, nor was a third count of felony-firearm part of the plea agreement stated on the record. Furthermore, a felony-firearm conviction cannot be based on an underlying felony of carrying a concealed weapon. MCL 750.227b(1); *People v Cortez*, 206 Mich App 204, 207; 520 NW2d 693 (1994). The circuit court shall correct the Judgment of Sentence to eliminate the third conviction and sentence for felony-firearm.

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 07 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk